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ORIGINAL

Decision No. 81559

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LAWRENCE H. EISENBERG,

Complainant,

vs.

MOBILFONE, INC.,

Defendant.

Case No. 9378
(Filed May 15, 1972)

ORDER OF DISMISSAL

On May 15, 1972 complainant filed this matter alleging that defendant was requiring its subscribers to pay additional funds for services it had previously provided under its filed tariff.

Complainant requested an order requiring defendant to continue to provide all services previously supplied to him and other subscribers pending a final determination of the complaint. By Decision No. 80126 dated May 31, 1972 complainant's request was denied.

Defendant's answer filed June 14, 1972 in essence claimed that it was abiding by its filed tariff and that any changes in its tariff were made in an effort to provide satisfactory service to its subscribers.

By notice mailed January 15, 1973 hearing was set for February 21, 1973. On February 20, 1973 at 1200 hours the presiding officer received a telephone call from complainant's secretary requesting that the matter be taken off calendar as complainant, an attorney at law, "had a court date tomorrow". The matter was removed as requested.

By letter dated February 20, 1973 complainant apologized for any inconvenience caused the Commission and requested a hearing date of April 25, 1973.

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By notice mailed May 9, 1973 the matter was set for hearing for June 12, 1973.

On June 4, 1973 the Commission received a telephone call from defendant's attorney stating that no one wanted to go to hearing and asking what should be done. A phone call to complainant revealed that he would like to pursue the matter, but he doesn't have the time. He stated he had been in contact with defendant's attorney and had agreed to withdraw his complaint.

Therefore, IT IS HEREBY ORDERED that the complaint in Case No. 9378 is dismissed.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 3rd day of JULY, 1973.

Vernon L. Sturgeon
President
William L. Sturgeon
J. William Sturgeon
William L. Sturgeon
William L. Sturgeon
Commissioners